

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

EIGHT MILE STYLE, LLC; MARTIN
AFFILIATED, LLC,

Plaintiffs,

v.

SPOTIFY USA INC.; HARRY FOX AGENCY,
LLC,

Defendant.

SPOTIFY USA INC.,

Third-Party Plaintiff,

v.

KOBALT MUSIC PUBLISHING AMERICA,
INC.,

Third-Party Defendant.

Civil Case No. 3:19-CV-00736

Hon. Aleta A. Trauger

JURY DEMAND

**SPOTIFY USA INC.'S MOTION FOR LEAVE
TO FILE EXCESS PAGES AND FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

Pursuant to Section (C)(3) of Your Honor's Practice and Procedures Manual and Local Rule 7.01(a)(4), Spotify USA Inc. respectfully moves the Court for leave to exceed the page limit in its Reply in support of its Motion for Leave to File Early Motion for Summary Judgment Against Kobalt. The Reply is being filed pursuant to the jointly proposed briefing schedule approved by the Court on July 28, 2022. *See Order* (Dkt. 269). Spotify requests that the Court accept a Reply of no more than 16 pages. The Reply will address arguments in two opposition briefs—one filed by Kobalt, and another filed by Eight Mile—that together occupy a total of 25

pages (16 more than in Spotify’s opening brief). The additional pages that Spotify requests for its Reply will accordingly assist the Court in resolving Spotify’s Motion.

Further, pursuant to Section 5.07 of the Amended Practices and Procedures for Electronic Case Filing (Administrative Order 167-1), Spotify also respectfully moves for leave to file under seal select portions of its Reply and the corresponding exhibits thereto, including confidential correspondence and witness testimony. To “justify nondisclosure to the public,” “[t]he proponent of sealing must provide compelling reasons to seal the documents and demonstrate that the sealing is narrowly tailored to those reasons.” *Beauchamp v. Federal Home Loan Mortgage Co.*, 658 F. App’x 202, 207 (6th Cir. 2016) (quoting *Shane Grp, Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299, 305-306 (6th Cir. 2016)). The exhibits concern sensitive topics related to the parties’ business practices and qualify as confidential information under the Protective Order in this action. Spotify also seeks to avoid any public disclosure that could violate agreements or implicate any party’s privacy or confidential business interests. *See London Computer Sys., Inc. v. Zillow, Inc.*, 2019 WL 4110516, at *9 (S.D. Ohio Aug. 29, 2019). Because the entirety of the exhibits are confidential, redactions are not practicable except for the Reply itself.

For similar reasons, this Court recently granted Kobalt’s motion for leave to file under seal select portions of its Opposition to the Motion for Leave to File Early Motion for Summary Judgment Against Kobalt and certain supporting exhibits. *See* Dkt. 270.

WHEREFORE, Spotify respectfully requests an enlargement of the page limit for its Reply, and for leave to file the exhibits attached thereto under seal.

Spotify’s counsel conferred with counsel for Kobalt and Eight Mile regarding the aforementioned requests. Kobalt and Eight Mile do not oppose Spotify’s sealing request, but oppose a Reply in excess of 13 pages.

Dated: August 29, 2022

Respectfully Submitted,

By: /s/ Aubrey B. Harwell III

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on August 29, 2022 with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to all parties and counsel of record by operation of the Court's CM/ECF system. Parties may access this filing through the Court's electronic filing system.

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